

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEFFREY D. TURNER,)
Plaintiff,)
)
v.)
)
J. LEGGETT, Correctional Officer IV)
at SCI Fayette; DR. JIN;) 2:09cv1568
MICHELLE LUCAS; JOHN) Electronic Filing
MCANANY, CRNS at SCI Greene;)
NEDRA GREGO, RN at SCI Greene;)
DORINA VARNER, Chief Grievance)
Coordinator at Central Office;)
DR. HERBIK, Doctor at SCI Fayette;)
R. TRETINIK, CHCA at SCI Fayette;)
CHRIS MYERS, Physician Assistant at)
SCI Fayette; S. BERRIER, CRNS at)
SCI Fayette; B. WALSCH, Correctional)
Officer #1 at SCI Fayette;)
R. J. GODINES, Correctional Officer)
#1 at SCI Fayette)
)
Defendants.)

MEMORANDUM ORDER

AND NOW, this 6th day of October, 2010, after *de novo* review of the record and upon due consideration of [75] the magistrate judge's report and recommendation filed on July 1, 2010, and [79] plaintiff's objections thereto, IT IS ORDERED that [52] Plaintiff's Motion for Preliminary Injunction be, and the same hereby is, denied. The report and recommendation as augmented herein is adopted as the opinion of the court.

Plaintiff's objections are without merit. Merely needing ongoing treatment for "hypertion" (sic), a broken right toe and athlete's feet and alleging a lag time in receiving

prescriptions or further recommended treatment falls short of the showing needed to establish imminent irreparable harm. Furthermore, having such maladies and receiving treatment in the manner described establishes only that a potential exists that the dire conditions highlighted by plaintiff may come to pass, which is conjectural. Consequently, the standards for injunctive relief have not been satisfied.

s/ David Stewart Cercone
David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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(Via CM/ECF)